



## **DIVERSION/DISCIPLINE COMMITTEE MEETING**

### **AGENDA**

**Doubletree by Hilton, Berkeley Marina**  
**200 Marina Blvd.**  
**Berkeley, CA 94710**  
**(510) 548-7920**

**October 30, 2012**

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**Tuesday, October 30, 2012 - 2:00 pm – 3:00 pm**

- 8.0 Review and Approve Minutes:**
  - August 29, 2012
- 8.1 Complaint Intake and Investigations Update**
- 8.2 Discipline and Probation Update**
- 8.3 Enforcement Statistics**
- 8.4 Diversion Program Update and Statistics**
  - 8.4.1** Diversion Evaluation Committee Member Appointment
  - 8.4.2** Diversion Evaluation Committee Member Transfers
  - 8.4.3** Diversion Evaluation Committee Member Resignation
- 8.5 Substance Abuse Information and Training**
- 8.6 Public Comment for Items Not on the Agenda**

#### **NOTICE:**

All times are approximate and subject to change. Items may be taken out of order to maintain a quorum, accommodate a speaker, or for convenience. The meeting may be canceled without notice. For verification of the meeting, call (916) 574-7600 or access the Board's Web Site at <http://www.rn.ca.gov>. Action may be taken on any item listed on this agenda, including information only items.

Public comments will be taken on agenda items at the time the item is heard. Total time allocated for public comment may be limited.

The meeting is accessible to the physically disabled. A person who needs a disability-related accommodation or modification in order to participate in the meeting may make a request by contacting the Administration Unit at (916) 574-7600 or email [webmasterbrn@dca.ca.gov](mailto:webmasterbrn@dca.ca.gov) or send a written request to the Board of Registered Nursing Office at 1747 North Market #150, Sacramento, CA 95834. (Hearing impaired: California Relay Service: TDD phone # (916) 322-1700). Providing your request at least five (5) business days before the meeting will help to ensure the availability of the requested accommodation.

Board members who are not members of this committee may attend meetings as observers only, and may not participate or vote. Action may be taken on any item listed on this agenda, including information only items. Items may be taken out of order for convenience, to accommodate speakers, or maintain a quorum.



## **DIVERSION/DISCIPLINE COMMITTEE MINUTES**

**DATE:** August 29, 2012

**SITE:** Doubletree Hotel – Ontario  
222 North Vineyard Ave.  
Ontario, CA 91764

**MEMBERS PRESENT:** Cynthia Klein, RN, Chair  
Raymond Mallel  
Michael Jackson, BSN, RN

**STAFF PRESENT:** Louise Bailey, M.Ed., RN, Executive Officer  
Stacie Berumen, Assistant Executive Officer  
Beth Scott, Deputy Chief, Discipline, Probation & Diversion  
Carol Stanford, Diversion Program Manager

The Chair called the meeting to order at approximately 9:13 a.m.

### **8.0 REVIEW AND ACCEPT MINUTES:**

Accept/Not Accept: Minutes of October 12, 2011

**M/S/C: Motion by Ray Mallel, Second by Michael Jackson, Committee accepts October 12, 2011 meeting minutes.**

### **8.1 Complaint Intake and Investigations Update**

#### **PROGRAM UPDATE**

##### **Staff**

**Complaint Intake:** We have tried for more than one year to recruit five Enforcement NECs and have been unsuccessful. We are looking at how ways to increase our hiring pool and will continue to advertise and recruit for these positions.

**Investigations:** Northern – We hired the Supervising Special Investigator, who starts August 20. He has investigative experience, knowledge of medical records, and close to 10 years of supervisory experience with the State. He is currently the Program Support Bureau Chief (DESA I) at the Department of Social Services.

Southern – Six of our seven Special Investigator positions are filled. We completed interviews to fill our remaining position for the San Diego region and hope to make a hiring decision by the end of August.

### **Program - Complaints**

Complaint Intake – The efficiencies of the support staff have resulted in conviction cases being referred to the analysts at a much faster rate. We are looking at ways to absorb the increased workload with limited existing resources and to improve and streamline internal procedures.

Applicants for Licensure – We continue to review and streamline processes to improve the turnaround times for applicants in enforcement, however, the backlog of conviction cases the analysts are dealing with is hampering those efforts.

Due to the increasing numbers of fraudulent transcripts being submitted with licensing applications, the BRN is working closely with other governmental agencies to assist us in completing our investigations.

Nursys – Alerts for out of state discipline are received daily through Nursys. All out of state documents have been requested and received for nurses disciplined by another state prior to receiving daily alerts.

### **Program - Investigations**

Our southern area Supervising Special Investigator, is assisting with supervisory duties in the north until the new supervisor assumes the position.

We continue to utilize the resources and expertise of DOI for cases that meet their investigation criteria, as well as those that are prioritized as high or urgent. Enforcement leadership will begin to institute regular meetings with DOI now that we are fully staffed.

Investigative staff in the south met with the LA County Coroner's Office, DOI, and the California Department of Public Health Licensing and Certification Investigations Branch to establish relationships that will assist us in completing timely investigations. Future plans include meetings with Southern California Risk Management Association and Pyxis Corporation (re: locked electronic medication dispensary).

### **Statistics**

For fiscal year 2011/12 we received 7,844 complaints, as compared to 7,977 last fiscal year, largely due to completion of retroactive fingerprinting. For fiscal year 2012/13, as of August 15, 2012, we have received 910 complaints. There are 817 pending DOI investigations and 279 pending BRN investigations.

Please review the enforcement statistics reports in 8.3 for additional breakdown of information.

## **8.2 Discipline and Probation Update**

### **PROGRAM UPDATE**

#### **Staff**

The Probation Unit is fully staffed with six monitors; however, as of August 16, 2012 we will be without an Office Technician (OT). The probation unit OT promoted to a Staff Services Analyst (SSA) in the Discipline Unit beginning August 20, 2012.

The Probation Unit OT is working with the BreZe project to become a trainer for all DCA Boards and Bureaus when the project goes live. He is involved with the “train the trainer” phase which takes a substantial amount of time from the office to assist with this project.

The Discipline Unit has reclassified the limited term OT position to permanent full time. This position was filled, effective August 20, 2012, with a Program Technician II from the BRN call center.

Additionally, an SSA position was reclassified to permanent full time and has been filled, effective August 16, 2012, with an OT from the BRN probation unit.

### **Program – Discipline**

The Discipline analysts will continue to audit charges from the AGs offices to determine if the BRN is being charged appropriately. Our BRN budget analyst also reviews AG charges seeking out anomalies for review. The Governor signed legislation which limits billing disputes with the AG’s office to 45 days after a bill has been submitted for payment by an agency.

A Discipline Analyst has been assigned to work with the BreZe project to become a trainer for all DCA Boards and Bureaus when the project goes live. BreZe is in the “train the trainer” phase which takes a substantial amount of time from the office to assist with this project.

Our Legal Support Analyst and other staff have been busy processing the back log of Decisions. As of 8/13/12:

Decisions Adopted by Board	416
Pending Processing by legal support staff	97

Staff continues to increase its usage of citation and fine as a constructive method to inform licensees and applicants of violations which do not rise to the level of formal disciplinary action.

The BRN receives approximately 1,100 pieces of returned mail a month. If a licensee/applicant fails to update a change of address as required causes a substantial workload on BRN staff and results in unnecessary and avoidable expenditures to the BRN budget, and loss of productivity. Handling returned mail causes a substantial waste of postage and accounts for approximately 1/3 of the responsibilities performed by a Key Data Operator working in renewals. Pursuant to the California Code of Regulations §1409.1 an address change must be reported within 30 days by way of mail, telephone, or the BRN web page. A \$100 fine will be assessed for violations of this section.

We are beginning to evaluate the records for RNs that have a social security number that is issued to more than one RN. The BRN will report these cases to the Franchise Tax Board and will be issuing a citation for violations for Business and Professions Code §30.

We have issued more citations and received more payments than any time in BRN history.

Citation information below reflects the work for November 2011 through August 10, 2012 but does not reflect the social security number and change of address issues.

Number of citations issued	437
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Total fines ordered	\$296,925.00
Fines paid	\$147,491.67
Citations pending issuance	180

The Discipline Unit continues to work on the NURSYS discipline data comparison project (SCRUB). The status of the documents reviewed:

Referred to the Attorney General	543
Pleadings Received	461
Default decisions effective	184
Referred to Cite and Fine	55
Closed Without Action (Action taken by CA (prior to 2000) but not reported to Nursys or information approved at time of licensure)	787

### **Program – Probation**

The Probation Unit will present the probation monitoring module at the DCA Enforcement Academy on October 29 – November 2, 2012.

The Probation Unit has been assisting the Legal Support staff in Discipline to adopt the Stipulated Decisions for new probationers.

The case load per Probation Monitor has increased from approximately 104 per analyst to 115 and continues to grow as backlogged decisions are processed by staff.

### **AG COSTS:**

As of August 15, 2012, the BRN has expended \$1,077,830 at the AG's office on the Nursys Scrub cases.

### **Statistics - Discipline**

As of August 18, 2012, there are approximately 1,500 discipline cases pending at the AG's office which continues to remain at a very high level.

Please review additional statistical information which can be found under item 8.3.

### **Statistics – Probation**

Below are the statistics for the Probation program from July 1, 2012 to August 14, 2012

Probation Data	Numbers	% of Total
Male	161	23%
Female	527	77%
Chemical Dependency	351	51%
Practice Case	210	30%
Mental Health	2	<1%
Conviction	125	19%
Advanced Certificates	57	8%

Southern California	356	52%
Northern California	332	48%
Pending at the AG	69	10%
License Revoked	5	<1%
License Surrendered	4	<1%
Terminated	0	<1%
Completed	7	<1%
Total in-state probationers	688	

### **8.3 Enforcement Statistics Update**

The committee reviewed the statistics for the Enforcement Division.

### **8.4 Diversion Program Update and Statistics**

#### **Program Update**

Diversion Program staff works diligently to keep up with the 70+ complaints that are received monthly from Enforcement. In the past, approximately half of those who were offered the program entered into the program. We will monitor the stats to determine if this is the current trend or if another trend is emerging.

Diversion Evaluation Committee Members continue to struggle with the new CalATERS travel reimbursement system. Some of them no longer submit travel claims due to issues they continue to have with the process. Staff developed a quick-tip PowerPoint to assist them with the intricacies of the system and will provide a 15 minute training session at each DEC meeting.

In July the Board approved several new DEC members for the committees. Program staff will provide DEC orientation training within the next few months about their new responsibilities as DEC members.

The Diversion Program Staff and the program's contractor, Maximus, will work together to conduct the biannual Nurse Support Group meeting within the next few months. Both the orientation and Nurse Support Group Meeting will be held in the Bay area. You will receive updates regarding both events.

#### **Contractor Update**

The program director for the Maximus contract, Virginia Matthews, will provide a brief contract update.

#### **Diversion Evaluation Committees (DEC)**

A Diversion Evaluation Committee Orientation will be scheduled for Fall 2012.

There is currently one vacancy as follows: public member. Recruitment efforts continue.

#### **Statistics**

The Monthly Statistical Summary Report for July 1, 2012 is attached. As of July 31, 2012, there were 1,684 successful completions.

#### **8.4.1 Diversion Evaluation Committee Member Appointments & Reappointments**

In accordance with B&P Code Section 2770.2, the Board of Registered Nursing is responsible for appointing persons to serve on the Diversion Evaluation Committees. Each Committee for the Diversion Program is composed of three registered nurses, a physician, and a public member with expertise in substance use and abuse disorders and/or mental health.

#### **APPOINTMENTS**

Below are the names of candidates who were interviewed and are being recommended for appointment to the DEC. Their applications and résumés are attached. If appointed, their terms will expire June 30, 2016.

<u><b>NAME</b></u>	<u><b>TITLE</b></u>	<u><b>DEC</b></u>	<u><b>NO</b></u>
Phillip Bellview	Public	Irvine	14

**Approve/Not Approve:** Appointment of Diversion Evaluation Committee Member

**M/S/C: Committee recommends board approve appointment.**

#### **8.5 Substance Abuse Training and Information**

##### **Substance Abuse Disorder Information and Training**

A brief preview of information for substance abuse disorder training will be provided to the Board members. Information will be presented to the Board members at the next few meetings from several health professionals who are known experts in the field of substance use and abuse disorders, pain management and mental illness.

The training will consist of the latest information pertaining to the use and misuse of prescription drugs, marijuana and other synthetic drugs known as “K2” and “spice. It will show how research has revealed that illegal drug use is on the rise even among nursing students. According to the National Institute of Drug and Alcohol Abuse, this is a result of the increase in marijuana and prescription drug abuse. “One in every fifteen high school seniors today is smoking pot on a daily or near daily basis...that is the highest rate that we have seen in over the past thirty years ---since 1981” (NIDA, 2011) This ultimately can help explain why the Diversion Program has seen an increase of new nurses entering the program within the first few months of licensure. This rise in use reflects the changing attitudes and perceptions that permeate the nation’s youth related to mind altering substances.

The training will also show how the Diversion Program is in alignment with the Office of National Drug Control Policy, and the Principles of Modern Drug Policy which supports public health approaches, such as evidenced-based prevention, screening and brief interventions in healthcare settings, drug treatment programs, and recovery support services. There is overwhelming scientific evidence that drug prevention, treatment, and recovery services are cost-effective ways to reduce drug use and its consequences. Science has shown that drug addiction is not a moral failing but rather a disease of the brain that can be prevented and treated.

## **8.6 Public Comment for Items Not on the Agenda**

No public comments received.

The Chair adjourned the committee meeting at approximately 10:05 a.m.

Approved: \_\_\_\_\_

DRAFT



**BOARD OF REGISTERED NURSING**  
**Diversion/Discipline Committee**  
**Agenda Item Summary**

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**AGENDA ITEM: 8.1**  
**DATE: October 30, 2012**

**ACTION REQUESTED:** Information Only: Complaint Intake and Investigations Update

**REQUESTED BY:** Stacie Berumen, Assistant Executive Officer

**BACKGROUND:**

**PROGRAM UPDATE**

**Staff**

Complaint Intake: Due to position reallocations, we now have two Enforcement NEC positions. Efforts to recruit for these positions remain unsuccessful as we are not competitive with monetary compensation. We are looking at ways to increase our hiring pool and will continue to advertise and recruit for these positions.

We recently hired one OT, to replace the OT who transferred to the Investigations Unit. She will join the Complaint Intake Unit on October 31. One of our OTs is out for an unspecified period of time. With the temporary reduction in support staff, we have had to reallocate some of the workload to the SSAs.

Our SSAs are now back to full staff after one recently returned from a three month leave.

We were given a permanent, part-time AGPA position from the Licensing Unit who has joined us as a case analyst.

Investigations: Northern – All positions are currently filled, however, we will have a Special Investigator vacancy in the near future.

Southern – We are still in the process of recruiting for the remaining special investigator position for the San Diego area.

As part of the required cutbacks, our retired annuitant Special Investigator will be leaving us on December 31. Due to the difficulty in recruiting qualified candidates, we are requesting an extension to keep her until the end of the fiscal year. If we are unsuccessful, we will begin recruiting to backfill that position in the near future for the North LA area.

**Program - Complaints**

Complaint Intake – Since support staff is operating at 50% capacity, it has slowed the transmission of conviction cases to the analysts. We have, however, cleared the backlog of older complaints and have very few pending prior to 2012. All older cases are pending court completion dates.

Applicants for Licensure – In October of 2011, a letter went to all nursing program directors in California with instructions on how they could help improve application processing times for students with enforcement issues. Since that time, the need for follow-up letters requesting additional documentation has been reduced by 35-40%, further aiding us with our turnaround times. Applications with complete documentation are turned around within one week. Louise Bailey met with the school directors on October 3, 2012 and redistributed the letter to those who did not receive it last year. The letter was also included in a mass mailing to all school directors, along with the 2012 New Directors Handbook.

We are conducting regular planning sessions to tighten up and streamline internal procedures with the goal of having desk manuals for each job classification by the end of the year.

One of our SSAs, is devoting at least half of her time participating in the BreEZe User Acceptance Testing and Data Verification. She has completed five of six data validations and has nearly completed the sixth which required corrections to over 3,200 error records. She has received kudos from OIS for her diligence and thoroughness in testing and the method she uses to document her findings.

Due to the increasing numbers of fraudulent transcripts being submitted with licensing applications, the BRN is working closely with other governmental agencies to assist us in completing our investigations.

Nursys – Alerts for out of state discipline are received daily through Nursys.

#### **Program - Investigations**

Supervisors continue to work with their investigators on case plans, interview techniques, data gathering, subpoenas, and report writing templates to streamline the investigative process.

We continue to utilize the resources and expertise of DOI for cases that meet their investigation criteria, as well as those that are prioritized as high or urgent. The investigations management team met with Daryl Walker, DOI Chief, David Chriss, Deputy Chief, and Stephanie Whitley, Manager of Case Intake Unit on September 20, 2012 to make introductions of new staff and update one another on the status and concerns of the respective organizations. DOI remains very supportive of our investigation efforts and has offered to accommodate our investigators with interview rooms at the DOI offices throughout the state and to assist us with random drug testing, as needed. Details are being worked out as to how to procedurally handle the drug testing issue.

We plan to present BRN investigations statistics in upcoming DDC and Board updates to give a better idea of how the unit is performing by North, South, and the unit overall, at a minimum, as follows:

BRN Investigation Unit	North	South	Unit Overall
Total cases assigned			
Total cases unassigned (pending)			
Average investigator case load			
Average number of days to case completion			
Average cost per case			

Our Supervising Special Investigator for So Cal, is presenting the Report Writing module for the Enforcement Academy October 29-November 2, 2012.

Our Supervising Special Investigator and her Special Investigators are meeting with Kaiser Legal on November 6, 2012 to streamline the process for requesting and obtaining documents with signed releases and subpoenas, as well as to give an overview of the unit and introduce staff.

**Statistics**

For the first quarter of fiscal year 2012/13, we received 2,115 complaints. Projected out, it is estimated we will receive approximately 8,460 complaints by the end of this fiscal year. As of October 16, 2012, there are 751 pending DOI investigations and 307 pending BRN investigations.

Please review the enforcement statistics reports in 8.3 for additional breakdown of information.

**NEXT STEP:**

Continue filling vacant positions. Continue to review and adjust internal processes and monitor statistics for improvement in case processing time frames. Follow directions given by committee and/or board.

**FINANCIAL IMPLICATION, IF ANY:**

None at this time. Updates will be provided at each DDC meeting for review and possible action.

**PERSON TO CONTACT:**

Kathy Hodge, Deputy Chief, Complaints and Investigations  
(916) 574-7678

**BOARD OF REGISTERED NURSING**  
**Diversion/Discipline Committee**  
**Agenda Item Summary**

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**AGENDA ITEM: 8.2**  
**DATE: October 30, 2012**

**ACTION REQUESTED:** Information Only: Discipline and Probation Update

**REQUESTED BY:** Stacie Berumen, Assistant Executive Officer

**BACKGROUND:**

**PROGRAM UPDATE**

**Staff**

The Probation Unit is fully staffed with six monitors. The Probation Unit has a new support staff person starting on October 31, 2012, which is a transfer from the Diversion Program.

Two of the probation monitors are working with the BreZE project verifying data and conducting user acceptance testing in preparation of the Go Live date for the new system. The probation staff participates in this project two afternoons per week.

The Discipline Unit is fully staffed.

The Discipline and Probation Program loses 160 hours per month of staff time due to state mandated furloughs.

**Program – Discipline**

Discipline will continue to audit charges from the AGs offices to determine if the BRN is being charged appropriately. Our BRN research analyst also reviews AG charges seeking out anomalies for review. The Governor signed legislation which limits billing disputes with the AG's office to 45 days after a bill has been submitted for payment by an agency.

Due to the abundance of cases that have been referred to the AGO, we have used 43% of our allotted budget for the fiscal year.

We have run statistics on our cases that are referred to the AG's office to assist us in our case movement efficiencies. Below are the averages, per case, from the time it is transferred to the AG until the pleading is received by the Board.

Fiscal Year	2009	2010	2011	2012
Average # of Days to Receive a Pleading	160	118	112	97

The Legal Support Analyst started preparing default decisions for the Sacramento Office effective October 1, 2012. The Legal Support Analyst has been working under the direction of DCA Legal Counsel to prepare default decisions for the Oakland and San Francisco AG Offices for approximately two years. We will continue to work with the AG to expand this process to include the San Diego and Los Angeles offices.

Two Discipline Analysts continue to work with the BreEZe project to become trainers for all DCA Boards and Bureaus when the project goes live. BreEZe is in the “train the trainer” phase which will take a substantial amount of time from the office when training starts on October 29, 2012, through the end of this year.

Our Legal Support Analyst and other staff have been busy processing the back log of Decisions. *As of 10/12/12:*

Decisions Adopted by Board	506
Pending Processing by legal support staff	61

Staff continues to increase its usage of citation and fine as a constructive method to inform licensees and applicants of violations which do not rise to the level of formal disciplinary action.

The BRN continues to issue citations for address change violations pursuant to the California Code of Regulations §1409.1. To date we have ordered \$13,900 for failure to update address change citations.

We are continuing to evaluate the records for RNs that have a social security number that is issued to more than one RN in violation of Business and Professions Code §30. To date we have ordered \$12,500 for failure to provide valid social security number citations.

We have issued more citations and received more payments than any time in BRN history.

Citation information below reflects the work for November 2011 through October 12, 2012.

Number of citations issued	581
Total fines ordered	\$323,325.00
Fines paid	\$151,916.67
Citations pending issuance	281+

The Discipline Unit continues to work on the NURSIS discipline data comparison project (SCRUB). The status of the documents reviewed:

Referred to the Attorney General	602
Pleadings Received	495
Default Decisions Effective	206
Stipulated Decisions Effective	136
Referred to Cite and Fine	60
Closed Without Action (Action taken by CA (prior to 2000) but not reported to Nursys or information approved at time of licensure)	822

**Program – Probation**

The Probation Unit is currently presenting the probation monitoring module at the DCA Enforcement Academy. The academy is being held from October 29 – November 2, 2012.

The case load per Probation Monitor is approximately 120.

**AG COSTS:**

As of September 27, 2012, the BRN has expended \$1,107,460 at the AG's office on the NURSYS SCRUB cases.

**Statistics - Discipline**

As of October 12, 2012, there are approximately 1,626 discipline cases pending at the AG's office which continues to remain at a very high level.

Please review additional statistical information which can be found under item 8.3.

**Statistics – Probation**

Below are the statistics for the Probation program from July 1, 2012 to October 12, 2012

Probation Data	Numbers	% of Total
Male	172	24%
Female	541	76%
Chemical Dependency	369	51%
Practice Case	208	30%
Mental Health	1	<1%
Conviction	135	19%
Advanced Certificates	72	8%
Southern California	369	51%
Northern California	344	49%
Pending at the AG	75	10%
License Revoked	6	<1%
License Surrendered	12	<1%
Terminated	0	<1%
Completed	10	<1%
Total in-state probationers	713	

**NEXT STEP:**

Follow directions given by committee and/or board.  
Regain ability to prepare all default decisions.

**FINANCIAL IMPLICATION, IF ANY:**

None at this time. Updates will be provided at each DDC meeting for review and possible action.

**PERSON TO CONTACT:**

Beth Scott, Deputy Chief of Discipline, Probation, and Diversion  
(916) 574-8187

**BOARD OF REGISTERED NURSING**  
**Diversion/Discipline Committee**  
**Agenda Item Summary**

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**AGENDA ITEM:** 8.3  
**DATE:** October 30, 2012

**ACTION REQUESTED:** Information Only: Enforcement Division Statistics

**REQUESTED BY:** Stacie Berumen, Assistant Executive Officer

**BACKGROUND:**

Attached you will find statistics for the Enforcement Division. Please review the information provided.

**NEXT STEP:** Updates will be provided to the committee and board at each meeting. Follow directions given by committee and/or board.

**FINANCIAL IMPLICATION, IF ANY:** None at this time

**PERSON TO CONTACT:** Kathy Hodge, Deputy Chief of Complaint Intake and Investigations  
(916) 574-7678

Beth Scott, Deputy Chief of Discipline, Probation and Diversion  
(916) 574-8187

FE0100L0  
10/12/2012

BOARD OF REGISTERED NURSING  
ENFORCEMENT MEASURES  
FOR ALL IDENTIFIERS  
07/01/2012 THRU 09/30/2012

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COMPLAINT INTAKE

	JUL-12	AUG-12	SEP-12	YTD
COMPLAINTS				
RECEIVED	158	401	287	846
CLOSED W/O INV ASSIGNMENT	32	44	26	102
ASSIGNED FOR INVESTIGATION	101	351	298	750
AVG DAYS TO CLOSE OR ASSIGN	22	8	10	11
PENDING	147	153	116	116
CONVICTIONS/ARREST REPORTS				
RECEIVED	510	405	354	1269
CLSD/ASSGND FOR INVESTIGATION	500	338	401	1239
AVG DAYS TO CLOSE OR ASSIGN	4	8	9	7
PENDING	68	135	88	88
TOTAL INTAKE				
RECEIVED	668	806	641	2115
CLOSED W/O INV ASSIGNMENT	50	49	33	132
ASSIGNED FOR INVESTIGATION	583	684	692	1959
AVG DAYS TO CLOSE OR ASSIGN	8	8	10	9
PENDING	215	288	204	204



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10/12/2012

BOARD OF REGISTERED NURSING  
ENFORCEMENT MEASURES  
FOR ALL IDENTIFIERS  
07/01/2012 THRU 09/30/2012

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INVESTIGATIONS

DESK INVESTIGATIONS	JUL-12	AUG-12	SEP-12	YTD
ASSIGNMENTS	584	682	693	1959
CLOSED	665	741	814	2220
AVERAGE DAYS TO CLOSE	157	135	131	140
PENDING	3431	3305	3127	3127
FIELD INVESTIGATIONS:NON-SWORN	JUL-12	AUG-12	SEP-12	YTD
ASSIGNMENTS	10	13	32	55
CLOSED	14	2	12	28
AVERAGE DAYS TO CLOSE	988	766	694	846
PENDING	280	290	310	310
FIELD INVESTIGATIONS:SWORN	JUL-12	AUG-12	SEP-12	YTD
ASSIGNMENTS	46	53	23	122
CLOSED	79	66	72	217
AVERAGE DAYS TO CLOSE	639	590	569	601
PENDING	824	816	767	767
ALL INVESTIGATIONS	JUL-12	AUG-12	SEP-12	YTD
FIRST ASSIGNMENTS	584	684	693	1961
CLOSED	758	809	898	2465
AVERAGE DAYS TO CLOSE	223	174	174	189
PENDING	4535	4411	4204	4204
ALL INVESTIGATIONS AGING	JUL-12	AUG-12	SEP-12	YTD
UP TO 90 DAYS	423	460	533	1416
91 TO 180 DAYS	60	94	110	264
181 DAYS TO 1 YEAR	97	112	78	287
1 TO 2 YEARS	124	98	130	352
2 TO 3 YEARS	38	42	39	119
OVER 3 YEARS	16	3	8	27
CLOSED W/O DISCIPLINE REFERRAL	JUL-12	AUG-12	SEP-12	YTD
CLOSED	557	615	689	1861
AVERAGE DAYS TO CLOSE	161	132	119	136

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10/12/2012

BOARD OF REGISTERED NURSING  
ENFORCEMENT MEASURES  
FOR ALL IDENTIFIERS  
07/01/2012 THRU 09/30/2012

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ENFORCEMENT ACTIONS

AG CASES	JUL-12	AUG-12	SEP-12	YTD
AG CASES INITIATED	145	146	164	455
AG CASES PENDING	1499	1462	1534	1534
SOIs/ACCUSATIONS	JUL-12	AUG-12	SEP-12	YTD
SOIs FILED	13	12	7	32
ACCUSATIONS FILED	72	48	75	195
SOI DECISIONS/STIPS	JUL-12	AUG-12	SEP-12	YTD
PROP/DEFLT DECISIONS	8	9	4	21
STIPULATIONS	0	14	7	21
ACC DECISIONS/STIPS	JUL-12	AUG-12	SEP-12	YTD
PROP/DEFLT DECISIONS	35	74	12	121
STIPULATIONS	47	56	57	160
SOI DISCIPLINARY ORDERS	JUL-12	AUG-12	SEP-12	YTD
SOI FINAL ORDERS (DEC/STIPS)	8	23	11	42
AVERAGE DAYS TO COMPLETE	611	539	549	555
ACC DISCIPLINARY ORDERS	JUL-12	AUG-12	SEP-12	YTD
ACC FINAL ORDERS (DEC/STIPS)	82	130	69	281
AVERAGE DAYS TO COMPLETE	757	728	865	770
TOTAL DISCIPLINARY ORDERS	JUL-12	AUG-12	SEP-12	YTD
TOTAL FINAL ORDERS (DEC/STIPS)	90	153	80	323
TOTAL AVERAGE DAYS TO COMPLETE	744	700	821	742
TOTAL ORDERS AGING	JUL-12	AUG-12	SEP-12	YTD
UP TO 90 DAYS	0	0	0	0
91 TO 180 DAYS	0	0	0	0
181 DAYS TO 1 YEAR	5	12	3	20
1 TO 2 YEARS	50	90	34	174
2 TO 3 YEARS	24	30	29	83
OVER 3 YEARS	11	21	14	46
SOIs WDRWN DSMSSD DCLND	JUL-12	AUG-12	SEP-12	YTD
SOIs WITHDRAWN	0	2	1	3
SOIs DISMISSED	0	0	0	0
SOIs DECLINED	0	0	0	0
AVERAGE DAYS TO COMPLETE	0	222	333	259
ACCUSATIONS WDRWN DSMSSD DCLND	JUL-12	AUG-12	SEP-12	YTD
ACCUSATIONS WITHDRAWN	0	2	1	3
ACCUSATIONS DISMISSED	0	0	0	0
ACCUSATIONS DECLINED	1	1	3	5
AVERAGE DAYS TO COMPLETE	901	1014	747	867

NO DISCIPLINARY ACTION	JUL-12	AUG-12	SEP-12	YTD
CLOSED W/O DISCIPLINARY ACTION	1	1	2	4
AVERAGE DAYS TO COMPLETE	51	662	774	565
CITATIONS	JUL-12	AUG-12	SEP-12	YTD
FINAL CITATIONS	37	77	95	209
AVERAGE DAYS TO COMPLETE	571	258	167	272
OTHER LEGAL ACTIONS	JUL-12	AUG-12	SEP-12	YTD
INTERIM SUSP ORDERS ISSUED	0	0	0	0
PC 23 ORDERS ISSUED	1	3	0	4

FE0100LO  
10/12/2012

BOARD OF REGISTERED NURSING  
PERFORMANCE MEASURES  
FOR ALL IDENTIFIERS  
07/01/2012 THRU 09/30/2012

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PERFORMANCE MEASURES

	JUL-12	AUG-12	SEP-12	YTD
PM1: COMPLAINTS VOLUME	158	401	287	846
PM1: CONV/ARREST RPRTS VOLUME	510	405	354	1269
PM2: CYCLE TIME-INTAKE	8	8	10	9
PM3: CYCLE TIME-NO DISCIPLINE	161	132	119	136
PM4: CYCLE TIME-DISCIPLINE	736	700	820	740

PM1: COMPLAINTS VOLUME - PM1: CONV/ARREST RPRTS VOLUME

Number of Complaints and Convictions/Arrest Orders Received within the specified time period.

PM2: CYCLE TIME-INTAKE

Average Number of Days to complete Complaint Intake during the specified time period.

PM3: CYCLE TIME-NO DISCIPLINE

Average Number of Days to complete Complaint Intake and Investigation steps of the Enforcement process for Closed Complaints not resulting in Formal Discipline during the specified time period.

PM4: CYCLE TIME-DISCIPLINE

Average Number of Days to complete the Enforcement process (Complaint Intake, Investigation, and Formal Discipline steps) for Cases Closed which had gone to the Formal Discipline step during the specified time period.

**CALIFORNIA BOARD OF REGISTERED NURSING**  
**ENFORCEMENT STATISTICS**  
September 30, 2012

STATISTICAL DESCRIPTION	2008-09	2009-10	2010-11	2011-12	2012-13*	Projected FY 2012-13
<b>Complaints Received</b>	5,794	7,483	7,977	7,844	2,134	8,536
<b>Consumer Complaints</b>	3,323	2,190	3,063	2,735	864	3,456
<b>Convictions/Arrests</b>	2,471	5,293	4,914	5,109	1,270	5,080
<b>Referred to Diversion Program</b>	400	604	368	1,053	183	732
<b>Division of Investigation (Sworn)-Assigned</b>	582	484	835	693	122	488
<b>Division of Investigation Closed</b>	748	1,015	716	648	219	876
<b>Division of Investigation Pending</b>	1,170	641	789	851	765	
<b>BRN Investigations (Non Sworn)-Assigned</b>		58	33	298	55	220
<b>BRN Investigations Closed</b>		14	53	27	28	112
<b>BRN Investigations Pending</b>		40	25	280	310	
<b>BRN Desk Investigations Assigned</b>	5,650	7,865	7,409	7,204	1,959	7,836
<b>BRN Desk Investigations Closed</b>	3,519	7,116	6,668	5,925	2,187	8,748
<b>BRN Desk Investigations Pending</b>	1,677	1,887	2,137	3,029	3,167	
<b>Criminal Actions Filed</b>	22	21	16	9	0	0
<b>Total Cite and Fine Citations Issued</b>	115	181	105	412	209	836
<b>Referred to Attorney General</b>	515	766	1,190	944	455	1,820
<b>Cases Pending at Attorney General</b>	692	838	1,198	1,448	758	
<b>Petitions to Revoke Probation Filed</b>	59	91	61	55	9	36
<b>Accusations Filed</b>	359	696	913	589	195	780
<b>Statements of Issues Filed</b>	14	13	52	132	32	128
<b>Total Pleadings</b>	432	800	1,026	776	236	944
<b>Orders to Compel Examination (Sec. 820)</b>	4	4	10	12	0	0
<b>Interim Suspension Order</b>	2	8	1	0	0	0
<b>PC23</b>	8	6	7	8	4	16
<b>Applicant Disciplinary Actions:</b>						
(a) License Denied	15	27	55	72	12	48
(b) License Issued on Probation	4	9	14	43	26	104
<b>Total, Applicant Discipline</b>	19	36	69	115	38	152
<b>Licensee Disciplinary Actions:</b>						
(a) Revocation	131	243	273	227	110	440
(b) Probation	139	176	267	225	95	380
(c) Suspension/Probation	6	1	6	3	0	0
(d) License Surrendered	79	92	155	128	62	248
(e) Public Reprimand/Reproval	8	12	37	79	13	52
(f) Decisions Other	5	2	5	3	2	8
<b>Total, Licensee Discipline</b>	368	526	743	665	282	1,128
<b>Process Used for Discipline (licensees)</b>						
(a) Administrative Hearing	56	58	102	121	31	124
(b) Default Decision	105	206	217	183	91	364
(c) Stipulation	207	262	424	361	52	208
<b>Total</b>	368	526	743	665	174	696

\*Fiscal Year to Date

**BOARD OF REGISTERED NURSING**  
**Diversion/Discipline Committee**  
**Agenda Item Summary**

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**AGENDA ITEM:** 8.4  
**DATE:** October 30, 2012

**ACTION REQUESTED:** Information Only: Diversion Program Update

**REQUESTED BY:** Stacie Berumen, Assistant Executive Officer

**BACKGROUND:**

**Program Update**

The Program Manager, Carol Stanford and the Maximus Project Director, Virginia Matthews presented at an educational seminar to hospital senior staff of three different hospitals, Montclair Hospital, Chino Valley Medical Center and San Dimas Community Hospital on September 13, 2012, in Monrovia, CA. Staff indicated the information was sorely needed as some senior staff was unaware of the program. The information was well received.

On September 25, 2012, representatives from Hazelden, Springbrook presented information regarding their treatment centers and access to treatment they provide to Maximus, BRN and DCA Diversion Program Staff.

On December 4, 2012, a Nurse Support Group Conference will be held in Emeryville, California to train NSG facilitators about requirements and expectations. There will also be a DEC member orientation on December 5, 2012, at the same location. Dr. Mihran Ask will present information regarding pain management and drug addiction.

**Contractor Update**

Throughout the year DCA contract and legal staff along with the DPC (Diversion Program Committee) have met with Maximus to work on amendment language for the upcoming Diversion Program Contract.

**Diversion Evaluation Committees (DEC)**

There is currently one vacancy as follows: one RN member. This vacancy will be filled if the new applicant is approved.

**Statistics**

The Statistical Summary Report for August and September, 2012 is attached. As of September 30, 2012, there were 1,705 successful completions.

**NEXT STEP:**

None

**FINANCIAL IMPLICATION, IF ANY:**

None at this time. Updates will be provided at each DDC meeting for review and possible action.

**PERSON TO CONTACT:**

Carol Stanford, Diversion Program Manager  
(916) 574-7616

**BOARD OF REGISTERED NURSING  
DIVERSION PROGRAM  
STATISTICAL SUMMARY  
August 1, 2011 - September 30, 2012**

	CURRENT MONTHS	YEAR TO DATE (FY)	PROGRAM TO DATE
<b>INTAKES COMPLETED</b>	39	46	4,500
<b>INTAKE INFORMATION</b>			
Female	31	38	3,523
Male	8	8	950
Unknown	0	0	27
Average Age	30-54		
Most Common Worksite	Hospital		
Most Common Specialty	Critical Care/Med-Surg		
Most Common Substance Abused	Alcohol/Norco		
<b>PRESENTING PROBLEM AT INTAKE</b>			
Substance Abuse (only)	17	18	2,894
Mental Illness (only)	1	1	148
Dual Diagnosis	18	23	1,407
Undetermined	3	4	51
<b>REFERRAL TYPE*</b>			
Board	29	33	3,232
Self	10	13	1,268
*May change after Intake			
<b>ETHNICITY (IF KNOWN) AT INTAKE</b>			
American Indian/Alaska Native	1	1	32
Asian	3	3	90
Asian Indian	0	0	5
African American	1	1	140
Hispanic	4	4	174
Native Hawaiian/Pacific Islander	0	0	19
Caucasian	30	37	3,711
Other	0	0	63
Not Reported	0	0	266
<b>CLOSURES</b>			
Successful Completion	21	36	1,705
Failure to Derive Benefit	0	0	115
Failure to Comply	2	3	941
Moved to Another State	0	0	51
Not Accepted by DEC	0	0	47
Voluntary Withdrawal Post-DEC	1	2	305
Voluntary Withdrawal Pre-DEC	4	5	448
Closed Public Risk	0	1	247
No Longer Eligible	1	2	12
Clinically Inappropriate	2	3	15
Client Expired	0	0	38
Sent to Board-Pre DEC	0	0	1
<b>TOTAL CLOSURES</b>	31	52	3,925
<b>NUMBER OF PARTICIPANTS: 448 (as of September 30, 2012)</b>			



**BOARD OF REGISTERED NURSING**  
**Diversion/Discipline Committee**  
**Agenda Item Summary**

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**AGENDA ITEM:** 8.4.1

**DATE:** October 30, 2012

**ACTION REQUESTED:** Diversion Evaluation Committee (DEC) Member  
Appointment and Transfers and Resignation

**REQUESTED BY:** Stacie Berumen, Assistant Executive Officer

**BACKGROUND:**

In accordance with B&P Code Section 2770.2, the Board of Registered Nursing is responsible for appointing persons to serve on the Diversion Evaluation Committees. Each Committee for the Diversion Program is composed of three registered nurses, a physician, and a public member with expertise in substance use and abuse disorders and/or mental health.

**APPOINTMENTS**

Below are the names of candidates who were interviewed and are being recommended for appointment to the DEC. Their applications and résumés are attached. If appointed, their terms will expire November 30, 2016.

<u><b>NAME</b></u>	<u><b>TITLE</b></u>	<u><b>DEC</b></u>	<u><b>NO</b></u>
Marilyn Dray	RN Member	Oakland	13

**TRANSFERS**

Below are the names of DEC members who would like to transfer from their appointed DEC to other DEC's for various reasons.

<u><b>NAME</b></u>	<u><b>TITLE</b></u>	<u><b>DEC</b></u>	<u><b>NO</b></u>
Sharon Fritz	RN	Santa Ana	14
Tonia Jones	RN	San Diego	10
Patricia Mraz	RN	Santa Ana	14

**INFORMATION ONLY:**

Diversion Evaluation Committee Member Resignation for personal reasons.

<u><b>NAME</b></u>	<u><b>TITLE</b></u>	<u><b>DEC</b></u>	<u><b>NO</b></u>
Christopher Schaal	RN	Oakland	13

**NEXT STEP:**

Continue recruiting efforts

**FINANCIAL IMPLICATION, IF ANY:**

None

**PERSON TO CONTACT:**

Carol Stanford, Diversion Program Manager  
(916) 574-7616

**BOARD OF REGISTERED NURSING**  
**Diversion/Discipline Committee**  
**Agenda Item Summary**

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**AGENDA ITEM:** 8.4.2

**DATE:** October 30, 2012

**ACTION REQUESTED:** Diversion Evaluation Committee (DEC) Member  
Appointment and Transfers and Resignation

**REQUESTED BY:** Stacie Berumen, Assistant Executive Officer

**BACKGROUND:**

In accordance with B&P Code Section 2770.2, the Board of Registered Nursing is responsible for appointing persons to serve on the Diversion Evaluation Committees. Each Committee for the Diversion Program is composed of three registered nurses, a physician, and a public member with expertise in substance use and abuse disorders and/or mental health.

**TRANSFERS**

Below are the names of DEC members who would like to transfer from their appointed DEC to other DEC's for various reasons.

<u>NAME</u>	<u>TITLE</u>	<u>DEC</u>	<u>NO</u>
Sharon Fritz	RN	Santa Ana	14
Tonia Jones	RN	San Diego	10
Patricia Mraz	RN	Santa Ana	14

**NEXT STEP:** Continue recruiting efforts

**FINANCIAL IMPLICATION, IF ANY:** None

**PERSON TO CONTACT:** Carol Stanford, Diversion Program Manager  
(916) 574-7616

**BOARD OF REGISTERED NURSING**  
**Diversion/Discipline Committee**  
**Agenda Item Summary**

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**AGENDA ITEM:** 8.4.3  
**DATE:** October 30, 2012

**ACTION REQUESTED:** Information Only: Diversion Evaluation Committee Resignation

**REQUESTED BY:** Stacie Berumen, Assistant Executive Officer

**BACKGROUND:**

In accordance with B&P Code Section 2770.2, the Board of Registered Nursing is responsible for appointing persons to serve on the Diversion Evaluation Committees. Each Committee for the Diversion Program is composed of three registered nurses, a physician, and a public member with expertise in chemical dependency and/or mental health.

**RESIGNATION**

Diversion Evaluation Committee Member Resignation for personal reasons.

<u>NAME</u>	<u>TITLE</u>	<u>DEC</u>	<u>NO</u>
Christopher Schaal	RN	Oakland	13

**NEXT STEP:** Continue recruiting efforts

**FINANCIAL IMPLICATION, IF ANY:** None at this time

**PERSON TO CONTACT:** Carol Stanford, Diversion Program Manager  
(916) 574-7616

**BOARD OF REGISTERED NURSING**  
**Diversion/Discipline Committee**  
**Agenda Item Summary**

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**AGENDA ITEM:** 8.5  
**DATE:** October 30, 2012

**ACTION REQUESTED:** Information Only: Substance Abuse Information/Training

**REQUESTED BY:** Stacie Berumen, Assistant Executive Officer

**BACKGROUND:**

**Substance Abuse Disorder Information Training**

The Board of Registered Nursing will be conducting another training regarding RN and Substance Use Disorders and Pain Management. There is a continual need for information and training in these areas as it relates to RNs. Lack of education about the addictive process and recognizing signs and symptoms remains one of the more profound risk factors for nurses. (NCSBN 2011).

Additionally, workplace risk factors can predispose nurses to developing substance abuse and addiction and substance abuse has been cited as an occupational hazard for those in the health care field (Brooke, Edwards & Taylor, Naegle, 1988) The ready availability of medications is an occupational hazard. Professional training involving powerful medications lead to an acceptance of self-diagnosing and self-medicating for physical pain or stress to enable the nurse to continue work. The work schedule and other job demands create adverse states, such as stress and fatigue that can lead to viewing drug use as a coping mechanism or solution. (Clark & Farnsworth, 2006)

Dr. Stephen Grinstead, LMFT, ACRPS, CAADAC, who is the author of the book "Freedom from Suffering: A Journey of Hope" as well as several other chronic pain management books is an internationally recognized expert in preventing relapse related to chronic pain disorders . He has also developed the Addiction-Free Pain Management® System and has been working with pain management, addictive disorders and coexisting mental and personality disorders for over twenty-eight years. He will be providing a brief training at the next Board meeting to be held on November 28, 2012.

**NEXT STEP:** None

**FINANCIAL IMPLICATION, IF ANY:** None at this time. Information and/or training can be provided at each DDC and/or Board meeting.

**PERSON TO CONTACT:** Carol Stanford, Diversion Program Manager  
(916) 574-7616